COMMONWEALTH OF KENTUCKY
LETCHER CIRCUIT COURT
INDICTMENT NO. 24-CR-00204

COMMONWEALTH OF KENTUCKY PLAINTIFF

V.

ORDER DENYING MOTION FOR RECUSAL

SHAWN M. STINES DEFENDANT

This matter is before the Court on the Defendant Shawn M. Stines's Verified Motion to Recuse/Disqualify.[1] The defendant asserts that my impartiality in deciding a prior motion and in pending and future proceedings might reasonably be questioned. The argument is based on my attendance at a professional meeting, a meeting in which the victim in this case participated. As I have no personal bias or prejudice concerning a party, and there are no surrounding facts and circumstances upon which an objective observer might reasonably question my impartiality, the Motion is DENIED.

RELEVANT BACKGROUND

In the underlying criminal case, the defendant is charged with murdering then-Letcher County District Judge Kevin Mullins. Judge Mullins and I served on the Kentucky Judicial Commission on Mental Health (KJCMH).[2] The KJCMH focus is on mental health, substance use and intellectual disabilities and works to improve the practice, quality and timeliness of

[1] Pursuant to the Kentucky Supreme Court Order Remanding (January 20, 2026), the motion is remanded to this court for consideration under Kentucky Revised Statute (KRS) 26A.015.

[2] "Although not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system." Kentucky Supreme Court (SCR) 4.300 Rule 2.1[2].

judicial response to cases involving these needs. The commission membership includes representatives from the judicial and legal communities; the juvenile, criminal and child protection systems; the legislature; the business community; organizations with a substantial interest in mental health matters; and other state and local leaders who have demonstrated a commitment to mental health issues affecting Kentuckians. Kentucky Judicial Commission on Mental Health, www.kycourts.gov/Court-Initiatives/Pages/Kentucky-Judicial-Commission-on-Mental-Health.aspx. As of June 2025, over seventy-five individuals are appointed to serve as members of the KJCMH. See Kentucky Supreme Court Amended Order 2025-23 (June 2, 2025).

On September 12, 2024, seven days before Judge Mullins was shot and killed, the KJCMH held a quarterly meeting. The two-hour meeting was videotaped. The video serves as the basis for the defendant's motion. The video is available for viewing online. Kentucky Judicial Commission on Mental Health Meeting (9/12/2024) - YouTube, https://youtu.be/KiVbLrXYurU (last accessed Feb. 26, 2026).

The video shows the undersigned walking into the on-going meeting, and leaving an empty chair between, taking a seat beside Judge Mullins. As the camera trained on members giving reports, Judge Mullins and I are shown on the video at various intervals. Judge Mullins gave a report in the last twenty minutes of the meeting. The video shows the undersigned listening to the report. When Judge Mullins praised a well-known program striving to prevent substance abuse and misuse and facilitate recovery, I nodded and spoke with the member to my left. I appear to nod again when Judge Mullins described a program involving him, and scheduled at the upcoming District Judge's College, a program about the intersection between the court system and the behavioral health system.

As described in the motion, the defendant's factual basis for my disqualification is that the video shows the undersigned and Judge Mullins sitting inches apart for approximately two hours at the KJCMH meeting[3] and when Judge Mullins discussed the upcoming District Judge's College, the undersigned appeared to nod in approval. The defendant views the gesture as "a sharing of accolades". The defendant also contends that there is inherent bias reflected in the video which would lead an objective observer to believe that a prior ruling, the denial of the defendant's motion to unseal the KCPC[4] report, was a result of such bias.

JUDICIAL DUTY AND STANDARD FOR RECUSAL

"A judge shall uphold and apply the law,[5] and shall perform all duties of judicial office fairly and impartially.[6]" Kentucky Supreme Court Rule (SCR) 4.300 Rule 2.2. "A judge shall [also] hear and decide matters assigned to the judge, except when disqualification is required by [SCR 4.300] Rule 2.11 or other law.[7]" SCR 4.300 Rule 2.7. "In other words, absent good cause for recusal, judges have an obligation to remain on and decide a given case." Presbyterian Church (U.S.A) v. Edwards, 594 S.W.3d 199, 204–05 (Ky. 2018) (citing Pessin v. Keeneland Ass'n, 274 F.Supp. 513, 514 (E.D. Ky. 1967); Laird v. Tatum, 409 U.S. 824, 837 (1972)).

SCR 4.300 Rule 2.7 Commentary explains:

> Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of

[3] A point of accuracy, the video reflects that the undersigned sat nearby Judge Mullins for approximately forty-five minutes. About twenty minutes of that time is shown on the video.

[4] Kentucky Correctional Psychiatric Center.

[5] "Law" encompasses court rules as well as statutes, constitutional provisions, and decisional law. SCR 4.300 Terminology.

[6] "Impartial," "impartiality," and "impartially" mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. SCR 4.300 Terminology.

[7] See Note 5.

> litigants and preserve public confidence in the independence,[8] integrity,[9] and impartiality[10] of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues.

SCR 4.300 Rule 2.11 (Rule 2.11),[11] and KRS 26A.015[12] and 26A.020 contain the rules related to disqualification of a judge from a proceeding. See Abbott, Inc. v. Guirguis, 626 S.W.3d 475 (Ky. 2021); Commonwealth v. Byrd, 709 S.W.3d 920 (Ky. 2025). While KRS 26A.020 speaks in terms of a party's complaint that "the judge will not afford him a fair and impartial trial," Rule 2.11 and KRS 26A.015 describe in more detail the circumstances in which a judge must disqualify himself. Rule 2.11(A)(1) states: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality[13] might reasonably be questioned, including but not limited to the following circumstances: . . . The judge has a personal bias or prejudice concerning a party or a party's lawyer . . . . " KRS 26A.015(2) similarly, in pertinent part, states:

> Any . . . judge of the Court of Justice . . . shall disqualify himself in any proceeding: (a) Where he has a personal bias or prejudice concerning a party . . . . . (e) Where he has a knowledge of any other circumstances in which his impartiality might reasonably be questioned.

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[8] "Independence" means a judge's freedom from influence or controls other than those established by law. SCR 4.300 Terminology.

[9] "Integrity" means probity, fairness, honesty, uprightness, and soundness of character. SCR 4.300 Terminology.

[10] See Note 6.

[11] Rule 2.11 replaced SCR 4.300, Canon 3E. See Abbott, Inc. v. Guirguis, 626 S.W.3d 475, 484 (Ky. 2021).

[12] KRS 26A.015(2) has been granted comity. See Phillips v. Rosquist, 628 S.W.3d 41, 54 (Ky. 2021).

[13] See Note 6.

"The goal of [the] provision that [a judge is required to disqualify from a proceeding in which the judge's impartiality might reasonably be questioned] is to avoid even the appearance of partiality so as to promote public confidence in the integrity of the judicial process." Alred v. Commonwealth, Judicial Conduct Com'n, 395 S.W.3d 417, 430 (Ky. 2012) (citing Petzold v. Kessler Homes, Inc., 303 S.W.3d 467, 472 (Ky. 2010) (quoting Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 860–61 (1988)).

The motion to recuse requires an accompanying affidavit setting forth factual allegations. Abbott, 626 S.W.3d at 484; see also KRS 26A.020(1). "There must be a showing of facts of a character calculated seriously to impair the judge's impartiality and sway his judgment." Id. at 480 (citations and internal quotation marks omitted). There must be evidence drawing the judge's impartiality into question. Minks v. Commonwealth, 427 S.W.3d 802, 807 (Ky. 2014). Stated another way, the standards governing disqualification of a judge require a showing of more than "a party's mere belief that the judge will not afford a fair and impartial trial." See id. at 808. The standard for determining whether a judge's impartiality might reasonably be questioned is an objective one – that is, "whether a judge's impartiality might reasonably be questioned from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." Abbott, 626 S.W.3d at 484.

ANALYSIS

The defendant acknowledges that "[t]he fact [the undersigned and Judge Mullins] served on [the KJCMH] committee is not enough to draw an objectively reasonable inference of []partiality.[14]" The defendant believes, however, that timing of events and my close seating to Judge Mullins at the KJCMH meeting created a circumstance which requires my recusal. The

[14] The defendant states "impartiality" but context indicates "partiality" was intended.

defendant asserts that had the KJCMH video been taken months prior to the defendant shooting the victim, an appearance of impropriety would not be so concerning; however, he contends the "video creates an impression to the public that there is a bias [on my part] in favor of [my] colleague seated next to [me]." The defendant also states that "[i]t is difficult to understand how [the undersigned's] close proximity with [Judge] Mullins, in both time and distance, would not lead the reasonable observer to impute a bias in favor of disbelief of negative statements [about Judge Mullins] and the propensity to disallow the same."[15]

According to the defendant, a reasonable observer of the video would question whether it is unfair for the undersigned judge to preside over a case involving a colleague who was seen shortly before he was shot and killed. However, as explained above, the resolution of whether a judge's impartiality might reasonably be questioned rests on the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." Id. at 484. The defendant's verified motion does not meet the test of demonstrating facts which would cause a reasonable observer to question my impartiality.

To be sure, Judge Mullins and I shared the legal profession and may, in that regard, be viewed as colleagues, but our nominal, purely professional association is not the degree of relationship which would interfere with my duty to uphold and apply the law and to perform judicial duties fairly and impartially or suggest an appearance of partiality. Alred, 395 S.W.3d at 417, 430-31 (Ky. 2012), explains the relationship continuum and discusses which relationships require recusal.

[15] On the other hand, the defendant makes a statement which relates that the video does not create a reasonable inference of partiality. Following the defendant's statement, "The fact that these two men served on this very worthwhile committee is not enough to draw an objectively reasonable inference of []partiality," the defendant states, "However, there will be proffered evidence [of bias] that contrasts with the presentation seen on the video." The proffered evidence apparently is the undersigned's denial of one of the defendant's motions. As explained below, a denial of a defendant's motion is not evidence of bias.

> [[J]udges have many extra-judicial relationships, connections and interactions with any number of persons, lawyers or otherwise, who may have business before the judge and the court over which he or she presides. These relationships may range from mere familiarity, to acquaintance, to close, intimate friendship, to marriage. Not everyone of these relationships necessitates a judge's recusal from a case.] Recusal is generally required by Canon 3E(1) in a proceeding in which the judge's impartiality might reasonably be questioned. . . . Thus, the intensity of a judge's relationships might be viewed on a continuum. On the one side is the judge's complete unfamiliarity with a lawyer, a witness[,] or a litigant, except in a judicial setting. No recusal is required. On the other extreme is a judge's close personal relationship with a lawyer, a party[,] or a witness, such as a family member or a spouse. Recusal is required under Canon 3E(1). At some point between these two extremes, a judge and a participant in a case may have such a close social relationship that a judge should disclose the relationship to attorneys and parties in a case and, if need be, recuse.

Id. (quoting Judicial Ethics Opinion 119, 2010 WL 7080288 at *1 (2010) (internal quotations omitted) (bracketed text added).[16]

The defendant cites no authority finding that a professional relationship such as that which existed between Judge Mullins and myself creates an appearance of partiality giving rise to the necessity of recusal, or authority which deals with the recusal of a judge on the grounds that the judge in some way knew the victim in a criminal case. While not factually on point, Dunlap v. Commonwealth, 435 S.W.3d 537 (Ky. 2013) (abrogated on other grounds by Abbott, 626 S.W.3d 475), is a case in which the trial judge had prior judicial interaction with the victims

[16] American Bar Association Formal Opinion 488 (Opinion 488), *Judges' Social or Close Personal Relationship with Lawyers or Parties as Grounds for Disqualification or Disclosure*, issued September 5, 2019, provides like guidance for three categories of relationships between judges and lawyers or parties to assist judges in evaluating ethical obligations those relationships may create under Rule 2.11 of the Model Code of Judicial Conduct: (1) acquaintanceships; (2) friendships; and (3) close personal relationships. Pertinent to the circumstances here, Opinion 488, page 4, states that a "judge and lawyer [and likewise, a judge and a party] should be considered acquaintances when their interactions outside court are coincidental or relatively superficial, such as being members of the same place of worship, professional or civic organization, or the like. For example, the judge and the lawyer [or party] might both attend bar association or other professional meetings . . . ." (Citation omitted.) In this type of relationship, "[g]enerally, neither the judge nor the lawyer [or party] seeks contact with the other, but they greet each other amicably and are cordial when their lives intersect. Id. Opinion 488 advises: "Evaluated from the standpoint of a reasonable person fully informed of the facts, a judge's acquaintance with a lawyer, or party, standing alone, is not a reasonable basis for questioning the judge's impartiality." Id. (internal citations omitted).

in a criminal case and which provides context for evaluating whether a reasonable observer would view the circumstances here as giving rise to an appearance of partiality.

In Dunlap, the defendant pled guilty to three counts each of capital murder, capital kidnapping, and tampering with physical evidence, and one count each of attempted murder, first-degree kidnapping, first-degree rape, first-degree arson, and first-degree burglary. 435 S.W.3d at 550. The victims in the case were Kristy Frensley and her three children, Kayla, 17, Kortney, 14, and Ethan, 5. Id. at 551. About one month before Dunlap's trial was to begin, Dunlap filed a motion for the trial judge to recuse, alleging that the fact the trial judge presided over Kristy Frensley's divorce and custody proceedings, and signed the final order awarding Kristy custody of Ethan approximately two weeks before Ethan's murder, rendered his impartiality questionable. Id. at 587. Pertinently, Dunlap argued that the trial judge's impartiality was questionable because the judge had "no doubt established during the pendency of the divorce and custody proceedings, relationships with both Jeffrey and Kristi Frensley, and quite possibly, the children involved." Id. During the hearing on Dunlap's motion, defense counsel further argued:

> Your decision on the custody battle involving Ethan Frensley in which you denied Jeff Frensley's motion for custody and kept custody with Kristy Frensley, that order was entered on October 1, 2008, roughly fifteen days before Ethan Frensley was among the victims in this case. Judge, I don't know if it affected you, I don't see how it could not. You recently, within a matter of weeks, entered a ruling maintaining custody of Ethan with Kristy Frensley, and then two weeks later Ethan is murdered in the home of Kristy Frensley. I know you, Judge, and I know that had to affect you. And someone looking at this case either from a distance now or in case of a conviction and sentence years down the road, is going to look at that and say: "How could he not have some subconscious desire to see Mr. Dunlap convicted? And how could it not have affected his rulings?"

Id. at 588.

After explaining that it is not unusual for litigants to appear before him in different roles, the trial judge responded:

> In your motion you did talk about a relationship with the Frensley family and I don't know what would be the correct term, but the only thing I know about the Frensleys is what I knew from a couple of days of hearings in that case. I don't know them outside the courtroom. I don't know any facts about this case from outside this courtroom. So I don't think that it's fair to characterize a sitting judge as having a relationship with parties litigant.
>
> . . .
>
> I have neither formed nor expressed any opinion concerning the merits of these proceedings. . . .
>
> I just don't think that the facts of this case are such that a reasonable person would reasonably question whether I, as the sitting judge, based on a prior case involving the crime victims could reasonably be expected to be partial toward one side or the other.

Id. at 588–89.

The Kentucky Supreme Court concluded:

> We do not believe that [the trial judge] presiding over the Frensley's divorce and custody proceedings creates the appearance of bias, or calls into question his impartiality. [The trial judge] had no relationship with the Frensleys outside the prior proceedings, and Ethan did not appear before the court in the custody case (although Kayla appeared briefly as a witness).

Id. at 590.

I do not possess any type of interest which would give rise to an appearance of partiality. As explained in Alred, a great difference exists between mere familiarity of another and acquaintanceships and those situations which the law recognizes by their nature, carry at least the appearance of partiality. My peripheral contact with Judge Mullins falls on the continuum between mere familiarity and acquaintanceship, a level of relationship which does not generate bias or prejudice against a defendant.

Being an active member of the legal profession for many years and serving in various roles, including Commonwealth Attorney and now Circuit Court Judge, I have traveled across the state for court and countless other meetings. I cannot recall a formal or informal, professional or personal, interaction with Judge Mullins on any occasion, and the KJCMH video reflects a lack of close relationship. My interaction with Judge Mullins was as limited as it was with the dozens of other members of the KJCMH.

Judges throughout the Commonwealth know and are known by many people, some of whom may eventually be the victims of crime. The fact that a judge knows a crime victim through professional practices and organizations does not, by itself, create the appearance of partiality. See Dunlap, 435 S.W.3d 537.[17] A judge is not required to become isolated from society, other judges, or forego participation in professional activities. See SCR 4.300 Rule 2.1[2]; In re Maze, 85 S.W.3d 599, 600 (Ky. 2002). The fact that there was no personal relationship at all or any professional relationship between Judge Mullins and myself, other than us both being members of the KJCMH, would assure a reasonable observer that I would not have

[17] Although not a Kentucky case, State v. Hubbard, 673 N.W.2d 567, 576 (Neb. 2004), reflects the same principles applied in Dunlap, but deals with a trial judge knowing the crime victims in a professional capacity.

In Hubbard, Hubbard was charged with one count of burglary and being a habitual criminal and another count of theft by receiving stolen property valued at between $500 and $1,500. Id. at 572. The victims were two attorneys. Id. On appeal, Hubbard argued that the judge had a conflict of interest because she knew the victims in the case and had attended professional functions where they were present, and erred when she did not recuse herself from the case. Id. at 576. The Nebraska Supreme Court stated:

> Here, the judge knew the victims in their professional capacities. However, nothing in the record indicates that the victims were close personal friends of the judge or that the judge had a personal interest in their case. That the victims are attorneys, known by the judge in her professional capacity, is not enough to require recusal. That a judge knows most of the attorneys practicing in his or her district is common, and the fact that a judge knows attorneys through professional practices and organizations does not, by itself, create the appearance of impropriety.

Id.

a bias in favor of Judge Mullins. See Alred, 395 S.W.3d at 417, 430-31; Dunlap, 435 S.W.3d 537; SCR 4.300 Rule 11 (describing relationships and interests which require a judge to disqualify himself or herself).

The defendant makes an additional claim in support of my recusal beyond the fact that Judge Mullins and I served on the KJCMH. The defendant asserts that "inherent bias from the video" would lead an objective observer to believe the undersigned's denial of the motion to unseal the KCPC report was a result of such bias. While the defendant recognizes that a defendant's disagreement with or challenge to a judge's ruling is handled through a proper procedural mechanism, see Jordan v. Boss, 726 S.W.3d 663, 674 (Ky. App. 2025) ("The whole idea of our system of justice, especially in appellate proceedings, is to assess a Judge's rulings based upon their soundness in the law and reason . . . ."), the defendant claims in the current motion that the undersigned's denial of the motion to unseal the KCPC report and to allow portions of the report into evidence at a bond hearing reflects the undersigned's bias in favor of Judge Mullins.

According to the defendant, the defendant made multiple revelations to the examiner that would conflict with the undersigned's professional knowledge of Judge Mullins. The defendant states that "the objective observer would rationally believe that there is inherent bias from the video and this would lead [the undersigned] to prohibit [the] normally admissible [KCPC] report from coming into evidence." The defendant claims that at this point, there has been no legal basis as support for the denial of the motion to unseal the KCPC report. However, it is well-settled that litigant's disagreement with a court's interpretation of the law or adverse rulings is not a proper basis for recusal. See Litekey v. United States, 510 U.S. 540 (1994); United States

v. Grinnell Corp., 384 U.S. 563 (1966); Bissell v. Baumgardner, 236 S.W.3d 24, 29 (Ky. App. 2007).

In Liteky, the United States Supreme Court focused on 28 U.S.C. § 455(a),[18] the federal statute governing disqualification which is substantially similar to KRS 26A.015. Minks, 427 S.W.3d at 806-07. The United States Supreme Court explained in its in-depth analysis that performance of the judicial role alone is not a basis for recusal. However, disagreements with judicial rulings may serve as the grounds for an appeal. The Liteky Court stated:

> First, judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. See *United States v. Grinnell Corp.*, 384 U.S. [563, 583 (1966)], 86 S. Ct., at 1710. In and of themselves (*i.e.*, apart from surrounding comments or accompanying opinion), they . . . can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . . Almost invariably, they are proper grounds for appeal, not for recusal.

510 U.S. at 555; see Minks, 427 S.W.3d 802 (concluding that the judge who signed the search warrant for the defendant's residence was not required to recuse from the suppression hearing concerning the fruits of that search when the defendant failed to present any evidence to indicate that the judge harbored a personal bias, had personal knowledge of any disputed evidentiary facts concerning the suppression proceeding, or had expressed any opinions about the merits of the proceedings). To the extent the defendant suggests otherwise, "the trial court's adverse ruling, even if erroneous, does not provide a basis for finding bias." Bissell v. Baumgardner, 236 S.W.3d 24, 29 (Ky. App. 2007).

Lastly, the defendant complains that the undersigned did not disclose to the parties that the undersigned and Judge Mullins were both in attendance at the KJCMH meeting, despite the

[18] In particular, the Liteky Court considered whether required recusal under 28 U.S.C. § 455(a) is subject to the limitation that has come to be known as the "extrajudicial source" doctrine. 510 U.S. at 541.

close connection in time to Judge Mullins being shot by the defendant. Rule 2.11 Commentary advises that "[a] judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification." I fully believe that sharing no more than the same area at a professional meeting, with dozens of other individuals in attendance, no one would reasonably consider it relevant to a possible motion for disqualification.

CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED that the defendant's Verified Motion to Recuse/Disqualify is DENIED.

This 6th day of March, 2026.

/s/ JUDGE CHRISTOPHER T. COHRON
electronically signed
3/6/2026 12:37:59 PM ET

CHRISTOPHER T. COHRON, SPECIAL JUDGE
LETCHER CIRCUIT COURT

Clerk, send copies to:

[ ] Hon. Jeremy Bartley and Hon. Kerri N. Bartley, Counsel for the Defendant
[ ] Hon. James L. Cox, Counsel for the Defendant
[ ] Hon. R. Ramsey Dallam, Assistant Attorney General
[ ] Hon. Jackie Steele, Commonwealth Attorney, 27th Judicial Circuit